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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,125	08/06/2001	Michael L. Obradovich	9800.1024	9724

7590 03/10/2003

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER
NGUYEN, CAO H

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/923,125	Obradovich
Examiner	**Art Unit**
Cao (Kevin) Nguyen	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 30, 2002*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-29, 31-39, and 41-58* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-29, 31-39, and 41-58* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21-29, 31-39, and 41-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford et al. (US Patent No. 6,021,320) in view of DeLorme et al. (US Patent No. 5,948,040).

Regarding claim 21, Bickford discloses a system for use in a vehicle comprising a receiver for receiving entertainment programs provided by a plurality of sources, the entertainment programs being classified in a plurality of categories based on contents of the entertainment programs (see col. 14-15, lines 1-67); a processor for associating indicators, representing respective ones of the sources, with the categories of the entertainment programs provided by the sources (see col. 24, lines 1-25); however, Bickford fails to explicitly teach an interface for presenting, for a given category, a collection of one or more indicators associated

DeLorme teaches an interface for presenting, for a given category, a collection of one or more indicators associated with the given category, facilitating selection of a source represented by an indicator in the collection to receive an entertainment program classified in the given category (see col. 5-6, lines 1-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide an interface for presenting, for a given category, a collection of one or more indicators associated with the given category by an indicator in the collection to receive an entertainment program classified in the given category as taught by DeLorme to a broadcast receiver system by Bickford in order to provide a user interface selectable categories of the vehicle entertainment for programs accompanying the available communication signal.

Regarding claim 22, Bickford discloses wherein at least one of the sources is a radio station (see figure 2).

Regarding claim 23, DeLorme discloses 21 wherein at least one of the sources is a television (TV) source (see col. 15, lines 14-32).

As claims 24-27 are analyzed as previously discusses with respect to claims 21-23 above.

Claims 27-29, Bickford discloses wherein the indicator includes a sign identifying the source represented thereby; wherein the source is selected by selecting the indicator representing the source; and wherein the interface includes a display (see figures 4-10).

As claims 31-39 and 41-58 are analyzed as previously discusses with respect to claims 21-23 and 27-29 above.

Response to Arguments

3. Applicant's arguments filed on 12/30/02 have been fully considered but they are not persuasive.

In response to applicant's argument on page 4 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bickford teaches a system for use in a vehicle comprising a receiver for receiving entertainment programs provided by a plurality of sources used in combination of DeLorme's an interface for presenting, for a given category, a collection of one or more indicators associated with the given category. One skill in the would have been obvious to provide an interface for presenting, for a given category, a collection of one or more indicators associated with the given category by an indicator in the collection to receive an entertainment program classified in the given category as taught by DeLorme to a broadcast receiver system by

Bickford in order to provide a user interface selectable categories of the vehicle entertainment for programs accompanying the available communication signal.

At page 7 of the Remarks, Applicant argues that the combination of Bickford and DeLorme do not teach or suggest "the given category by an indicator in the collection to receive an entertainment program classified in the given category". However, the limitations as claimed set forth to read on "icon section preferably includes a frequency band indicator which indicates the current broadcast band or channel selection. A BAND key 38.sub.1 is responsive to user depression thereof to switch between AM and FM broadcast bands, and further between FMl and FM2 channels as is known in the art; and in FIG. 5 wherein indicator of display indicates that PRESET key 38.sub.9 has been selected and corresponds to broadcast frequency 1 Hz in the ROCK program type." see Bickford.

At pages 6-7 of the Remarks, Applicant argues the limitations as claimed very broad and from specification as previously discussed with respect to argument as above and do not distinguish patentable over the prior art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER
March 6, 2003